

MMB EX-7

CARL T. JONES
CORPORATION

FCC/MBLON JUN 03 1993

June 8, 1993

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
Broadcast Auxiliary Radio Services
P.O. Box 358700
Pittsburgh, PA 15250-5700

Re: Auxiliary Radio Service
Application for New ICR

Dear Ms. Searcy:

Enclosed is an original and three copies (two duplicate and one "stamp and receipt") of an application for a new Intercity Relay Station prepared on behalf of Gerard A. Turro, licensee of FM Translator Station W276AQ, Fort Lee, New Jersey.

A check payable to the FCC for \$85.00 to cover the associated filing fee and FCC Form 155 is attached. In addition, a self-addressed stamped envelope is provided for return of the "stamp and receipt" copy.

Please address any questions concerning this application to the undersigned.

Very truly yours,


James D. Sadler

JDS/law

Enclosures

cc: Gerard Turro
Ray Kraus, Esquire

Federal Communications Commission	
Docket No. <u>97-122</u>	Exhibit No. <u>MMB-9</u>
Presented by <u>FCC</u>	
Disposition	Identified <u>/</u>
	Received <u>/</u>
	Rejected <u>/</u>
Reporter <u>SP</u>	<u>000146</u>
Date <u>11-24-97</u>	

Federal Communications Commission
Washington, D.C. 20554

FCC 313 FCC JUN 9 1993

Approved by OMB
3080-0028
Expires 10/31/92APPLICATION FOR AUTHORIZATION IN THE AUXILIARY
RADIO BROADCAST SERVICES

(Carefully read instructions before filling out form.)

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Federal Communications Commission, Office of Managing Director, Washington, DC 20554, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (3080-0028), Washington, DC 20503.

For Commission Fee Use Only

FEE NO:

FEE TYPE:

FEE AMT:

ID SEQ:

For Applicant Fee Use Only

Is a fee submitted with this application?

☒ Yes ☐ No

If No, indicate reason therefor (check one box):

☐ Nonfeasible application

Fee Exempt (See 47 C.F.R. Section 1.1112)

☐ Noncommercial educational licensee☐ Governmental entitySPEC.
COND.
This auth.

PREPARI

WMG499

TWO COPIES

For Commission Use Only

BPLIC

0930609 MD

File No.

1. Legal Name of Applicant

Gerard A. Turro ✓

2. Mailing Address

75 2nd Street

City

Dumont

State

NJ

ZIP Code

07628

Telephone No. (include area code)

(201) 439-1031

970601

3. CALL SIGN OF ASSOCIATED BROADCAST STATIONS

AM

Translator

W276AQ

TV

FM

Low Power

Booster

City/Community of License/Operation

Fort Lee

State

NJ

4. TYPE OF STATION PROPOSED (Check appropriate boxes)

☐

A. Remote Pickup

☐

Base

☐

Mobile

☐

Automatic Relay

☒

B. Aural Microwave Station

☒

Intercity Relay

☐

STL

☐

Booster

☐

C. TV Microwave Station

☐

STL

☐

TV Relay

☐

Pickup

☐

Translator Relay

☐

Booster

☐

D. Low Power Auxiliary Station

NOM

5. PURPOSE OF APPLICATION (Check appropriate box)

☒

A. New Station

☐

B. Modification of existing authorization

☐

C. Reinstatement of expired license

☐

D. Other (Specify)

6. NATURE OF PROPOSED CHANGES

Call sign of existing station

Base Station being modified: No.

☐

Change Frequency

☐

Change Antenna System

☐

Change Power

☐

Relocate station

☐

Add base station (No.)

☐

Change Number of Mobiles

☐

Replace equipment

☐

Other (specify in Exhibit No.)

000147

7. FACILITIES REQUESTED (If more space is needed attach as Exhibit No. N/A)

A. Frequency(ies) (MHz)/Bandwidth (kHz) and Emission Type

1. 951.00 / 500F9
 2. /
 3. /
 4. /
 5. /
 6. /

B. Power (watts)

Transmitter Power Output (TPO): 7.0 w
 Antenna Input Power: 6.0 w
 Effective Radiated Power (ERP)
 (Remote Pickup and Aural Microwave): 82.5 w
 Effective Isotropic Radiated Power (ERP)
 (TV Microwave Stations Only): N/A w

C. For TV STL, TV Relay and TV Microwave Boosters stations enter path length N/A miles; N/A km.

8. LOCATION OF TRANSMITTING ANTENNA STRUCTURE (Fixed Station)

A. Number and Street: (or other specific indication) <u>75 Second Street</u>		
B. City: <u>Dumont</u>	C. County: <u>Bergen</u>	D. State: <u>NJ</u>
E. COORDINATES		
Latitude: (Degrees, Minutes, Seconds) <u>40° 56' 18"</u> NORTH	Longitude: (Degrees, Minutes, Seconds) <u>74° 00' 24"</u> WEST	

9. LOCATION OF RECEIVERS (Fixed and Mobile Stations)

A. Number and Street: (or other specific indication) <u>Mediterranean Towers, 555 North Avenue</u>		
B. City: <u>Fort Lee</u>	C. County: <u>Bergen</u>	D. State: <u>NJ</u>
E. COORDINATES		
Latitude: (Degrees, Minutes, Seconds) <u>40° 51' 15"</u> NORTH	Longitude: (Degrees, Minutes, Seconds) <u>73° 59' 00"</u> WEST	
F. Ground Elevation AMSL (Ft.) <u>279</u>	G. Height to Center of Receiving Antenna (Ft.) <u>227</u>	

10. MOBILE SYSTEMS INFORMATION N/A

A. Mobile Area of Operation: City		State:
B. COORDINATES OF THE CENTER AREA		
Latitude: (Degrees, Minutes, Seconds) <u>NORTH</u>	Longitude: (Degrees, Minutes, Seconds) <u>WEST</u>	
C. Radius of operation from these coordinates Miles: _____ km: _____		
D. Number of Mobile Units Requested: <input type="checkbox"/> 1-5 <input type="checkbox"/> 6-10 <input type="checkbox"/> 11-19 <input type="checkbox"/> 20-44 <input type="checkbox"/> 45 or more (specify expected maximum) _____		

11. If any of the circumstances in Instruction 11 apply, attach as Exhibit No. N/A detailed statements.

000148

12. Supply the following transmitting antenna information (Review instructions)

A. Manufacturer: Mark Model No. MG-9A44GN
 Antenna Gain: 13.5 dBi Elevation Angle: 0°
 Antenna Polarization: V Beamwidth (3db or 1/2 power points): 18° ✓
 B. Overall height above ground of this antenna: 38 FT
 C. Give the ground elevation above mean sea level at the antenna site. 40 FT
 D. Elevation above ground of antenna center of radiation: 37 FT
 E. Antenna sketch figure 1 Passive reflector information attach as Exhibit No. N/A
 F. If this is a directional antenna give azimuth of main lobe: 168.2°

13. A. Is the antenna to be mounted on an existing antenna structure?

☐ Yes ☒ No

If Yes, answer items 13B, C, D and E.

☐ Yes ☒ No

B. Will the antenna increase the height of the existing structure?

If Yes, by how many feet?

N/A FTC. Name of current licensee using structure: N/AD. Current licensee's radio service: N/AE. Current licensee's call sign: N/A

14. TRANSMITTING EQUIPMENT AUTHORIZATION

A. For remote pickup, low power auxiliary or TV pickup systems, is transmitter type accepted? N/A☐ Yes ☐ No

B. For Aural STL/intercity relay, TV STL, TV relay or microwave booster stations, is transmitter authorized under the type acceptance or notification procedure?

☒ Yes ☐ NoC. If the answer to either of the above questions (14A or 14B) is "No" give the reason for your response: N/A☐ Equipment is grandfathered (see 47 C.F.R. Sections 74.451(e), 74.655 and 74.851(d))☐ TV Pickup station operating with a peak output power not greater than 250 mW

15. Has the FAA been notified of proposed construction on FAA Form 7460-1? (See 47 C.F.R. Part 17)

☐ Yes ☒ No

If Yes, give date filed and FAA Regional Office (City).

16. Is there a Local Broadcast Auxiliary Coordinating Committee in the area of operation?

☒ Yes ☐ No

If Yes, and the Committee has been contacted, give the person(s) contacted and their phone numbers, including area code.

Joe Fedele (212) 975-2408

000149

17. ENVIRONMENTAL STATEMENT (See 47 C.F.R. Section 1.1307 et seq.)

Would a grant of this application be a major action as defined by 47 C.F.R. Section 1.1307(a)?

☐ Yes ☒ No

If Yes, attach as Exhibit No. N/A the statement as required by 47 C.F.R. Sections 1.1308 and 1.1311.

18. Describe briefly the primary broadcast-related purpose of the requested authorization, attached as Exhibit No. Tech. Stmt.

19. For television auxiliary stations, state the anticipated percentage of time for which the station will be used N/A % for secondary uses. (Secondary uses are transmissions of material at times when the station is not being used to transmit program material to its associated broadcast station.)

20. For television auxiliary licensees, attach as Exhibit No. N/A a list of the total number of existing auxiliary authorizations and indicate the combined percentage of time for which these stations are presently used for secondary uses.

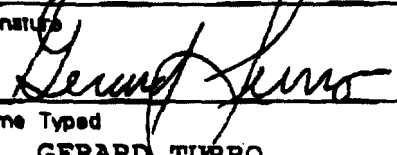
THE APPLICANT hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. THE APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any application with which it may be in conflict. THE APPLICANT acknowledges that all statements made in this application and attached exhibits are considered material representations, and that all the exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

CERTIFICATION

I certify that the statements in the application are true, complete, and correct to the best of my knowledge and belief and are made in good faith.

(DO NOT SIGN UNTIL ALL EXHIBITS HAVE BEEN PREPARED AND ATTACHED)

WILLFUL FALSE STATEMENTS MADE ON THIS FORM
ARE PUNISHABLE BY FINE AND IMPRISONMENT.
U.S. CODE, TITLE 18, SECTION 1001.

Signature	
Name Typed	GERARD TURRO
Date	June 3, 1993

For further information FCC should contact:

Name: James D. Sadler

Telephone No.: (703) 569-7704

Check one box for appropriate classification:

- ☒ Individual Applicant
☐ Officer and Member of Corporation
☐ Member of Partnership
☐ Official of Government Agency
☐ Officer of Corporation

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The solicitation of personal information requested in this application is authorized by the Communications Act of 1934, as amended. The principal purpose for which the information will be used is to determine if the benefit requested is consistent with the public interest. The staff, consisting variously of attorneys, engineers, and applications examiners, will use the information to determine whether the application should be granted, denied, dismissed, or designated for hearing. If all the information requested is not provided, the application may be returned without action having been taken upon it or its processing may be delayed while a request is made to provide the missing information. Accordingly, every effort should be made to provide all necessary information. Your response is required to obtain this authority.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552(a)(3) AND THE PAPERWORK REDUCTION ACT OF 1980, P.L. 96-511, DECEMBER 11, 1980, 44 U.S.C. 3507.

000150

CARL T. JONES
CORPORATION**STATEMENT OF JAMES D. SADLER
IN SUPPORT OF AN APPLICATION FOR A
NEW AURAL MICROWAVE INTERCITY RELAY STATION
MAIN FACILITY: W276AQ - FORT LEE, NEW JERSEY**

Prepared for: Gerard A. Turro

I am a Technical Consultant, an employee in the firm of Carl T. Jones Corporation, with office located in Springfield, Virginia.

My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by Gerard A. Turro, licensee of FM Translator Station W276AQ, Fort Lee, New Jersey, to prepare this statement, FCC Form 313, and the associated exhibit in support of an Application for a New Aural Microwave Intercity Relay (ICR) station to be associated with FM translator station W276AQ. Station W276AQ rebroadcasts the signal of noncommercial station WJUX(FM), Franklin Lakes, New Jersey. The ICR will be used to feed 30-second spot announcement originations concerning financial support and operational communications from the WJUX(FM) studio to the W276AQ transmitter.

A vertically polarized Mark MG-9A44GN miniflector transmitting antenna will be mounted on the roof of the WJUX(FM) studio building, 37 feet above ground level, located at 75 Second Street, Dumont, New Jersey. Exhibit 1 is a vertical plan antenna sketch depicting the pertinent elevations.

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**STATEMENT OF JAMES D. SADLER
W276AQ - FORT LEE, NEW JERSEY
PAGE 2**

The intercity relay will operate on 951.00 Mhz. Transmitted material will be received at the translator site by means of a Scala MF-960 miniflector antenna. The receive antenna will have a center line height above ground level of 227 feet. Complete technical data pertaining to the new microwave station is contained in the accompanying FCC Form 313.

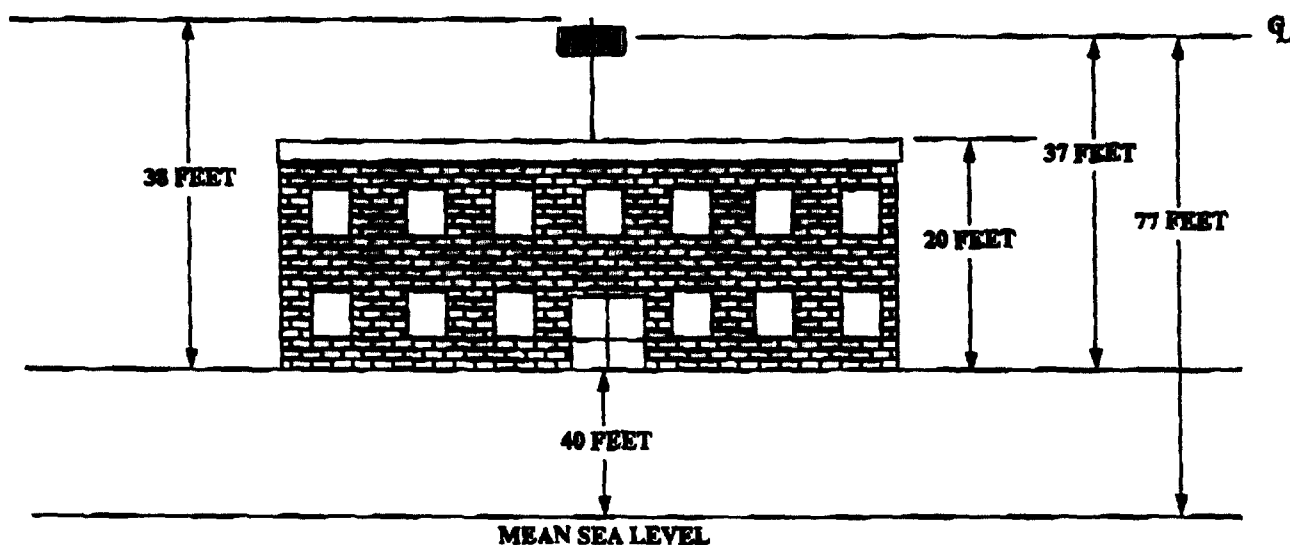
The proposed system does not involve a site location specified under Section 1.1307(a)(1)-(7) of the FCC Rules, nor will the proposed facility produce radiation in excess of the safety standards contained in Section 1.1307(b). Therefore, it is submitted that the intercity relay station described herein meets the criteria set forth in Section 1.1306 and Section 1.1307(a) of the FCC Rules as an action which is categorically excluded from environmental processing.

SUMMARY

This statement and the attached FCC Form 313 were prepared by me or under my direct supervision and are believed to be true and correct.

DATED: May 27, 1993


James D. Sadler

EXHIBIT 1**NOTE: NOT DRAWN
TO SCALE****COORDINATES**
N. LATITUDE: 40° 56' 18"
W. LONGITUDE: 74° 00' 24"**VERTICAL PLAN ANTENNA SKETCH
NEW MICROWAVE INTERCITY RELAY STATION
USED IN CONJUNCTION WITH
W276AQ --- FORT LEE, NEW JERSEY
MAY, 1993****CARL T. JONES**
CORPORATION

000153

MAS

**FEDERAL COMMUNICATIONS COMMISSION
1270 FAIRFIELD ROAD
GETTYSBURG, PA 17325-7245
September 23, 1993**

IN REPLY REFER TO:

**7140-01
1700B**

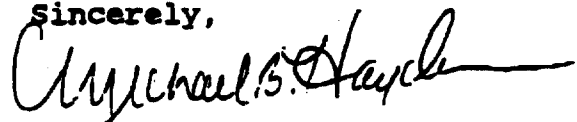
**Gerard A. Turro
75 2nd Street
Dumont, NJ 07628**

Re: STATION WMG-499 OFFICIAL CONDITIONS OF GRANT

Gentlemen:

The use of this station shall not interfere with or otherwise preclude use of these broadcast auxiliary stations transmitting aural programming between the studio and transmitter location of a broadcast station or between broadcast stations as provided in section 74.501(a) and 74.501(b) of the rules.

Sincerely,



**Michael B. Hayden
Chief, Microwave Branch**

/turro.cms

000154

THIS IS NOT A LICENSE
United States of America
FEDERAL COMMUNICATIONS COMMISSION
RADIO BROADCAST STATION LICENSE

CALL SIGN: WMG-499

FILE NO: BPLIC-930609MD

NV

ASSOCIATED BROADCAST STATION: W276AQ(FM)

SERVICE: AUXILIARY BROADCAST

CLASS: AURAL INTERCITY RELAY

LICENSEE NAME: GERAARD A TURRO

HOURS OF OPERATION - UNLIMITED

TRANSMITTER LOCATION: 75 SECOND ST

LATITUDE: 40 56 18 N

CITY: DUMONT

ST: NJ CNTY: BERGEN

LONGITUDE: 074 00 24 W

MOBILE AREA OF OPERATION:

ANTENNA SYSTEM

GROUND: 40 FT AMSL
OVERALL HEIGHT: 38 FT AG
ANTENNA CENTER OF RADIATION: 37 FT AG
AZIMUTH: 168.200 TRUE
POLARIZATION V

SEND TO

GERAARD A TURRO
75 2ND ST
DUMONT

NJ 07628

PAINTING/LIGHTING SPECS: NONE

FREQUENCY(IES)
(MHZ)

EMISSION(S)

MOBILE
RANGE

POWER
(WATTS)

TRANSMITTER APPARATUS

951.0000 500F9

7.000 TYPE ACCEPTED

SPECIAL CONDITIONS: THIS AUTHORIZATION IS SUBJECT TO, AND VOID WITHOUT, THE ATTACHED OFFICIAL CONDITIONS OF GRANT.

Subject to the provisions of the Communications Act of 1934, as amended, treaties, and Commission Rules, and further subject to conditions set forth in this permit, authority is hereby granted to construct a radio broadcast station located and described as above.

Equipment and program tests shall be conducted only pursuant to Sections 74.13 and 74.14 of the Commission Rules.

This permit shall be forfeited if the station is not ready for operation within the time specified or within such further time as the Commission may allow unless completion of the station is prevented by causes not under the control of the permittee. See Section 1.589 of the Commission Rules.

THIS AUTHORIZATION EFFECTIVE: 09/23/93 AND WILL EXPIRE AT 3:00 A.M. EST 08/01/1997

NW/MS

CC 358
APRIL 1992

F.C.C. - Washington, D. C.

FEDERAL
COMMUNICATIONS
COMMISSION

MICROWAVE BRANCH

0717 338 2691

10/23/97 12:01

000155

FCC MAIL SECTION

JUN 21 2 50 PM '95

DISPATCHED BY

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

JUN 21 1995

IN REPLY REFER TO:
1800C1-SB/RW
95020241

Monticello Mountaintop Broadcasting, Inc.
Licensee, Station WJUX (FM), Monticello, NY
11 Old Tappan Road
Old Tappan, NJ 07675

Attn: Mr. Wesley R. Weis

Dear Licensee:

The Commission has received information raising questions concerning the ownership of Station WJUX (FM), Monticello, NY.¹ Specifically, it is alleged that the ownership and control of Station WJUX changed without prior authorization of the Commission, which may be a violation of Section 310 (d) of the Communications Act of 1934, as amended, and Sections 73.3540 and 74.14 of the Commission's Rules. It appears further that Station WJUX has: (1) violated Section 73.1125(a) of the Commission's Rules by failing to maintain a main studio within the station's principal community contour; (2) violated Section 73.1125 (c) of the Commission's Rules by failing to maintain a local or toll-free number for residents of Monticello, NY; and (3) violated Section 73.3526 (d) of the Commission's Rules by failing to maintain a public inspection file in the station's community of license.

The Commission has made no determination in this matter. So that we may be more fully informed, pursuant to Section 73.1015 of the Commission's Rules, please respond to the following questions.

1. According to our records, Monticello Mountaintop Broadcasting, Inc., has been the licensee of Station WJUX (FM) since October 14, 1994, and there has been no reported change in ownership since that time. If there has been a change in ownership or control of Station WJUX (FM), indicate whether you filed any applications for Commission authorization of the transfer and, if not, explain why not. If you filed such an application, please provide us with a stamped copy or some other evidence of the filing.
2. Has Mr. Gerard A. Turro, licensee of Station W276AQ, Ft. Lee, NJ, ever been the licensee of Station WJUX (FM) or otherwise held an ownership interest in the licensee of the station? If Mr. Turro is the licensee or has obtained such an ownership interest, state when the acquisition occurred and whether he continues to hold the license or such an ownership interest.

¹We note that WJUX (FM) changed call signs on April 14, 1995. Prior to this date the call sign was WXTM (FM). The call sign WJUX (FM) was previously assigned to Station WNJW (FM), Franklin Lakes, NJ, which is licensed to the Bergen County Community Broadcasting Foundation. Any reference to WJUX (FM) throughout this letter refers to the Monticello, NY, station.

000156

Federal Communications Commission
Docket No. 94-122 Exhibit No. MMB-10
Presented by SA/SEC
Disposition
Identified /
Received /
Rejected /
Reported 11-24-94
1994

3. State who has provided any funds used to purchase equipment for and/or construct Station WJUX (FM). If such funds have been provided by any person or entity other than the licensee of Station WJUX (FM), or by any person or entity which has not previously been reported to the Commission as having an ownership interest in the licensee, identify all such persons or entities and state the specific amounts contributed by such other persons or entities and the specific equipment and/or construction expenses paid for with such contributions.

4. State whether any person or entity which has not previously been reported to the Commission as having an ownership interest in the licensee (a) has lent to the licensee funds used to purchase equipment or construct Station WJUX (FM), or (b) has guaranteed repayment of funds borrowed by the licensee for the purchase of equipment or construction of the Station. If so, provide details regarding such loans or guarantee arrangements.

5. For the period of time from October 18, 1994, to the present, identify by name, title, service dates, and employer,² the specific person or persons who participated in the following activities with respect to Station WJUX (FM):

- (a) controlled and had access to the Station's financial records and books;
- (b) prepared and kept the Station's financial records;
- (c) paid the Station's operating expenses;
- (d) prepared and signed the Station's checks;
- (e) paid rent for the studio;
- (f) paid rent for the antenna tower site or usage;
- (g) interviewed, hired, or fired Station personnel;
- (h) controlled what is or is not broadcast;
- (i) established or changed Station management;
- (j) controlled and had access to the Station's bank accounts; and
- (k) prepared and paid the Station's payroll, insurance, income and property taxes, withholding statements and social security obligations.

6. With respect to each person listed in response to subsections (a) through (k), state whether, at any time from the initiation of program test broadcasting to the present, such person was, during the same period that he/she was employed by Station WJUX, also employed by any other business. If so, state the name of the other business, location, the individual's responsibilities there, and the hours per week employed at the business while working also at WJUX.

Main Studio

7. Provide the following information with regard to the main studio of WJUX (FM):

- (a) State whether WJUX (FM) has a main studio. If so, provide the exact address of the main studio at all times since the main studio was first established;

²By the use of the term employer in this and subsequent questions, we seek identification of the entity which employed and paid the salary of the identified individuals.

- (b) State the date (month and year) the main studio was established in each location listed in subsection (a);
 - (c) Provide contour maps showing the station's principal community contour, and pinpointing each location of the main studio listed in subsection (a) in relation to the station's principal community contour;
 - (d) State the reason for any change of location of WJUX (FM)'s main studio since the main studio was first established;
 - (e) State whether WJUX (FM) has ever been granted consent by the Commission to locate the station's main studio outside the principal community contour. If so, provide a dated copy of such Commission consent.
8. Provide copies of any internal corporate communications, news releases, and promotional materials concerning any main studio relocation occurring since the main studio was first established.
9. With regard to the functions performed at the main studio since the main studio was first established, provide the following information:
- (a) State the precise functions performed at the main studio;
 - (b) State whether the main studio has program origination capability (including any linkage from the studio to the transmitter), and, if so, describe in detail its technical facilities;
 - (c) Provide names, titles, employer, and responsibilities of personnel assigned to the main studio;
 - (d) State which of the personnel listed in response to subsection (c) are present at the main studio during regular business hours.
 - (e) With respect to each person listed in response to subsection (c), state whether, at any time from the initiation of program test authority to the present, such person was, during the same period that he/she was employed by Station WJUX, also employed by any other business. If so, state the name of the other business, location, the individual's responsibilities there, the hours per week employed at the business while working also at WJUX.
10. State the days and times during which the main studio has been open to the public since the main studio was first established, and when these hours were established.
11. Provide dated and executed copies of leases and insurance policies for each location of the main studio used since the main studio was first established.
12. If WJUX (FM) maintains an auxiliary studio, state;

- (a) The exact address of this studio since it was first established;
- (b) The date (month and year) this studio was established at each address listed in subsection (a);
- (c) The functions performed at this studio since it was first established;
- (d) Provide the names, job titles, employer, and responsibilities of personnel assigned to the auxiliary studio.

Public Inspection File

13. If WJUX (FM) maintains a public inspection file, state;

- (a) The ~~ex~~act location(s) of this file since the file was first established ;
- (b) The dates between which the public file, or a copy thereof, was maintained at each location listed in subsection (a)
- (c) The days and times during which the public file has been available for public inspection at each location where such a file has been maintained since the file was first established;
- (d) The name, business address, and job title of each person responsible for maintaining such public file since the file was first established; assessing what issues of community interest will be addressed by the station; determining how the community issues will be addressed; and maintaining the quarterly issues statement.

Local or Toll-Free Telephone Number

14. State WJUX (FM)'s main studio telephone number, between the time the main studio was first established and the present, including the area code, the date this number was connected, and whether this number is local or toll-free for the residents of Monticello, NY. Provide copies of telephone bills for this number from the time the number was first connected to the present.

Time Brokerage Agreements

15. State whether Station WJUX (FM) has entered into a management agreement, a time brokerage agreement, or any other agreement concerning ownership, staffing, programming, sales, or operation of Station WJUX (FM), or any other station. If the answer is in the affirmative, provide the following information:

- (a) Provide a signed and dated copy of the agreement;

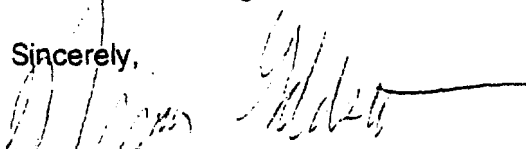
- (b) State whether the agreement is one that must be filed with the Commission pursuant to Section 73.3613 of the Commission's Rules. If so, state when this agreement was filed with the Commission. If not, explain.
- (c) State whether the agreement is one that must be kept in the station's public inspection file pursuant to Section 73.3526 of the Commission's Rules. If so, state when, and by whom, this agreement was placed in the station's public inspection file. If not, explain.

Programming

16. With regard to the programming of Station WJUX (FM), provide the following information:
- (a) Describe the nature of Station WJUX'S (FM) programming from October 18, 1994, to the present;
 - (b) Identify by name, title, service dates, and employer, the individual (s) who has established and changed the Station's programming policies from October 18, 1994, to the present;
 - (c) Provide signed and dated copies of any written communications concerning the Station's programming, including, but not limited to, memoranda, correspondence, and programming contracts, for the period from October 18, 1994, to the present.

So that we may be fully informed on these issues, we ask that you provide, within thirty (30) days of the date of this letter, all relevant information or documentation that is responsive to the foregoing or ~~that~~ you feel may be useful in helping the Commission make a determination in this matter. Failure to answer fully will constitute a violation under Section 73.1015 and may subject you to serious sanctions. Commission policy requires that responses to its inquiries be signed by an officer or director of the licensee organization.

Sincerely,


Norman Goldstein, Chief
Complaints & Investigations Branch
Enforcement Division
Mass Media Bureau

MMB EX.11

MONTICELLO MOUNTAINTOP BROADCASTING, INC.

**11 OLD TAPPAN ROAD
OLD TAPPAN, NJ 07675**

July 27, 1995

**Mr. Norman Goldstein, Chief
Complaints & Investigations Branch
Enforcement Division
Mass Media Bureau
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554**

**RECEIVED
JUL 28 1995**

Dear Mr. Goldstein:

This is in response to your letter of June 21, 1995 concerning the operation of WJUX(FM), in Monticello, NY. According to that letter, it has been alleged that an unauthorized transfer of control of WJUX(FM) has occurred and that WJUX(FM) has (1) failed to maintain a main studio within the station's principal contours; (2) failed to maintain a local or toll-free number for residents of Monticello, NY, and (3) failed to maintain a public inspection file in its community of license. As shown in this response, those allegations are uniformly incorrect.

The responses to your specific inquiries are as follows:

1. Monticello Mountaintop Broadcasting, Inc. (Mountaintop) has been the permittee of WJUX(FM) since October 18, 1994.¹ The application for Commission consent to the assignment of the license of WJUX(FM) to Mountaintop was filed with the Commission on July 25, 1994 and there has been no change in ownership since that time. I have at all times owned all of the stock of Mountaintop.
2. Mr. Gerald A. Turro has never been the licensee or the permittee of WJUX(FM), nor has he otherwise held an ownership interest in the station. He has no right to acquire any such interest, and I have no intention to transfer any such interest to him.
3. As the sole owner of Mountaintop, I provided all of the funds used to purchase equipment and to construct WJUX(FM). I already had much of the necessary equipment -- processing equipment, racks, and transmission line -- on hand. Mr. Gerry Turro paid me \$40,000 on October 17, 1994, as an inducement to enter into the Network Affiliation Agreement discussed elsewhere in this letter. This was not a loan, and I have no obligation to repay those funds, which I applied toward my obligations to Mr. Larry Fishman, from whom I had acquired the construction permit for WJUX(FM) (BAPH-940725GR). The purchase price was \$120,000.
4. On October 6, 1994, my mother, Mrs. Marre C. Weis, lent me \$15,000 which I used to purchase equipment and to construct WJUX(FM). No other person has (a) lent funds used

¹ The Mountaintop application for a license to cover its construction permit was filed on October 31, 1994 and remains pending.

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Federal Communications Commission

Docket No. 97-122 Exhibit No. 448-1

Presented by ICC

Disposition
Identified 1
Received 1
Rejected 1

Reported 1-24-97

Date 1-24-97

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to purchase equipment or construct Station WJUX(FM) or (b) guaranteed repayment of funds borrowed for those purposes.

5. With the exceptions noted below, I have been the sole individual who:

a. controlled and had access to the Station's financial records and books, with the exception that Mr. Gene Blabey, the General Manager of WJUX(FM), and Ms. Carol M. Montana, the WJUX(FM) public affairs director, have access to certain financial materials which they receive at the station and forward to me. Generally these consist of bills from various vendors.

b. prepared and kept the Station's financial records, with the exception noted in response to 5(a), above. I am assisted in this matter by John Sheridan, my accountant, who performs certain book keeping and accounting functions for my various companies and for me personally.

c. paid the Station's operating expenses, with the following exception: Until recently, the WJUX(FM) telephone bill was sent to and paid by Mr. Gerry Turro. This was due to an oversight, which is now being corrected. Funds paid to Mountaintop under the Network Affiliation Agreement are used to operate WJUX(FM).

d. prepared and signed the Station's checks.

e. paid rent for the Station's main studio.

f. paid rent for the antenna tower site or usage.

g. interviewed, hired and fired Station personnel, with the following exceptions: Mr. Blabey has from time to time interviewed potential employees and made recommendations to me as to whether they should be hired. On one occasion, he hired a local sales person for WJUX(FM), pursuant to my instructions. On another occasion, he hired an engineer on a temporary basis to turn the WJUX(FM) transmitter off and on during an FCC inspection so that the inspector could determine whether turning WJUX(FM) off impacted on the operations of a translator facility in Ft. Lee, New Jersey. Mr. Blabey also supervises Ms. Carol Montana. At some time during the Fall of 1994, I asked Mr. Turro to interview an individual I was considering hiring as the station's chief engineer, to determine his qualifications. Nothing came of this, and I ultimately asked Mr. Turro to be the chief engineer, a position which he accepted and held until May 1, 1995.

h. controlled what is or is not broadcast, in accordance with the terms of the October 17, 1994 Network Affiliation Agreement with Bergen County Community Broadcast Foundation, subsequently amended retroactively to October 17, 1994.² It was my decision to enter into that Agreement which, I believe, preserves my ability to

² Although Mr. Turro and I agreed verbally to amend the Affiliation Agreement in accordance with the amendment sent to us by counsel on November 1, 1994, and by virtue of our agreement to do so deemed the Affiliation Agreement to have been amended then, we did execute the Amendment until recently.

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perform my duties as licensee of the station to no less extent than the many LMA's, network agreements, and brokerage agreements with which the Commission has found no fault. When counsel recommended the changes reflected in the amendment be made, to bring the Network Affiliation Agreement into full compliance with Commission policy, Mr. Turro and I agreed to make the changes reflected in the amendment.

- i. established or changed the Station's management.
- j. controlled and had access to the Station's bank accounts.
- k. prepared and paid the Station's payroll, insurance, income and property taxes, withholding statements and social security obligations, with the following exception: my ~~accountant~~, John Sheridan, who also does accounting work for my other businesses, did work for me in connection with Mountaintop's taxes.

6. During the period since October 18, 1994, I have been employed by the following businesses, in each of which I have an ownership interest: MIKAB Corporation, a tower and antenna systems sales and service company; MIKAB Equipment Sales, a communications equipment sales company; New Jersey Tower Service, Inc., a tower erection company; Hilltop Tower Management, Inc., an antenna site management company; Mountain Top Communications, Inc., which is now dormant; L & W Engineering, Inc., a structural engineering company; and Morristown - Erie RR, a railroad. Mr. Blabey is the owner of radio station WVOS(FM), from which WJUX(FM) rents studio and transmitter site space. While not an "employee" of WVOS(FM), Mr. Blabey is its full time general manager. He is also an officer and director of three railroad companies, the Arkansas - Missouri RR, the Livonia, Avon and Lakeville RR, and the Ontario - Midland RR. Ms. Montana is employed as the full time business manager of WVOS(FM).³

7. WJUX(FM) has a main studio, located on Old Route 17, in Liberty, New York, at the WVOS(FM) main studio. The main studio has been there at all times since WJUX(FM) went on the air. A contour map showing WJUX(FM)'s principal community contour and demonstrating that the main studio is located within that contour is provided in the engineering statement at Attachment A. No Commission consent to the location of the WJUX(FM) main studio outside the WJUX(FM) principal contour has ever been requested.

8. There has been no such relocation.

- 9. a. The WJUX(FM) public inspection file is maintained at the WJUX(FM) main studio (a copy is also maintained at the public library in Monticello, New York). Mail received at the studio is forwarded to me. The WJUX(FM) telephone is answered there. The program Sullivan County People Who Make a Difference is recorded there.

³ Under Section 73.3555 of the Commission's Rules, WJUX(FM), WVOS(FM) and WVOS(AM) could lawfully be under common ownership, since the three stations constitute less than fifty percent of the eight radio stations in the market, as demonstrated in the attached engineering statement. Accordingly, the Commission's Cross Interest Policy does not preclude the concurrent employment of Mr. Blabey and Ms. Montana by the three stations, see *Kern Broadcasting Corporation*, FCC 95-214, released June 16, 1995.

A remote control point for the WJUX(FM) transmitter is located there. The WJUX(FM) General Manager and public affairs director have their offices at the main studio, and are present there during normal business hours (9:00 a.m. - noon and 1:00 p.m. - 5:00 p.m, Monday - Friday).

b. The WJUX(FM) main studio has program origination capability using the facilities depicted in the attached engineering statement. Linkage between the main studio and transmitter is via phone line. The transmitter can be activated and deactivated from the remote control point at the main studio.

c. As noted above, Mr. Blabey is the WJUX(FM) general manager, and Ms. Montana is the WJUX(FM) public service director. Their duties and other employment are as described in response to questions 5 and 6, above. In addition, Mr. Blabey is ~~responsible~~ for the production of Sullivan County People Who Make a Difference, a tape of which he forwards to Mr. Turro to include in the network feed for WJUX(FM). He also helps to represent WJUX(FM) in the community, by attendance at Chamber of Commerce and other such meetings, and makes recommendations to me with respect to the operation of WJUX(FM). He and Ms. Montana perform such other duties as arise from time to time. For example, personnel at the Monticello Public Library were, on one occasion, unable to locate the WJUX(FM) public inspection file. Mr. Blabey went to the library and showed them its location. He and Ms. Montana also take documents to the library for inclusion in the public file.

d. Both Mr. Blabey and Ms. Montana are generally present at the WJUX(FM) main studio during normal business hours.

e. Information concerning the other employment held by Mr. Blabey and Ms. Montana is provided in response to question 6, above.

10. The WJUX(FM) main studio has been open to the public during normal business hours since WJUX(FM) went on the air, on October 21, 1994.

11. Copies of the requested leases and insurance policies are provided in Attachment B to this response.

12. WJUX(FM) has no auxiliary studio.

13. a & b. The WJUX(FM) public inspection file has been maintained at the WJUX(FM) main studio and at the public library in Monticello, New York since before WJUX(FM) went on the air.

c. The WJUX(FM) public inspection file has been available for public inspection during normal business hours at both locations.

d. Mr. Blabey, assisted by Ms. Montana, maintains the WJUX(FM) public inspection file. I send them copies of documents to place in the file, including annual employment reports, annual ownership reports, and the like. Mr. Blabey, who represents WJUX(FM) in the community, is instrumental in assessing community needs and in deciding how WJUX(FM) will respond to them through its program Sullivan County People Who Make a Difference. The WJUX(FM) quarterly issues statements

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are initially prepared by Mr. Turro, and after I review them, they are placed in the WJUX(FM) public inspection file.

14. The WJUX(FM) main studio telephone number is (914) 292 0751, which is a toll free number for residents of Monticello. The telephone number was established on or about November 2, 1994. Copies of the requested telephone bills for this number are provided in Attachment C.

15. On October 17, 1994, WJUX(FM) entered into a Network Affiliation Agreement with Bergen County Community Broadcast Foundation. It was thereafter amended retroactively to October 17, 1994. A copy of the agreement, as amended, is provided in Attachment D. It is not among the types of agreement required by Section 73.3613 of the Rules to be filed with the Commission, nor is it among the type of agreements required by Section 73.3526 to be maintained in the WJUX(FM) public inspection file. In that connection, while Section 73.3613 requires that Television network affiliation agreements and amendments thereto be filed with the Commission, there is no similar requirement with respect to radio network affiliation agreement. In addition, Section 73.3526(a)(1) appears to exempt commercial network affiliation, syndication, and program supply contracts from any requirement of inclusion in a radio station's public inspection file. While Section 73.3526(a)(12) does require that copies of "every agreement or contract involving time brokerage of the licensee's station . . ." be maintained in the station's public inspection file, I do not believe that the subject Network Affiliation Agreement is an "agreement or contract involving time brokerage."

16. Since going on the air on October 21, 1994, WJUX(FM) has had a "jukebox radio" format, consisting of big band music and other music of the 1930s, 1940s and 1950s, provided by Bergen County Community Broadcast Foundation. I am solely responsible for WJUX(FM)'s programming policies, and for the decision to enter into the Network Affiliation Agreement pursuant to which programming is delivered to WJUX(FM). I am not aware of any documents responsive to Question 6 which are not being provided in response to other questions in your June 21, 1995 letter.

I have known Mr. Turro for many years, and was aware of his desire to provide a network programming service at the time when I was considering purchasing the construction permit for WJUX(FM). I believed that the station, operated as an affiliate of Mr. Turro's proposed network, would be economically viable, and that is why I went forward with the project.

In the event that additional information is needed in connection with your inquiry, please contact me.

Very truly yours,


Wesley R. Weis

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